

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RUTH JOHNSON, <i>et al.</i> ,)	
Plaintiffs,)	
)	No. 1:20-cv-948
-v-)	
)	Honorable Paul L. Maloney
JOCELYN BENSON,)	
Defendant.)	
_____)	

ORDER

Plaintiffs raised federal constitutional challenges to the guidance issued by Defendant Benson to local election officials regarding the acceptance and counting of absentee ballots. Defendant Benson issued the guidance following an injunction issued by the Michigan Court of Claims, which was based on Michigan law.

Plaintiffs requested a preliminary injunction. (ECF No. 4.) On Friday, October 16, 2020, the Michigan Court of Appeals reversed the injunction issued by the Michigan Court of Claims. *Michigan Alliance for Retired Americans v. Sec’y of State*, No. 354993, *slip op.*, (Mich. Ct. App. Oct. 16, 2020). This Court held a hearing on the motion for a preliminary injunction on Monday, October 19, 2020. Michigan Alliance for Retired Americans, who are intervenors in this action, intend to file a petition seeking leave to appeal the October 16 decision with the Michigan Supreme Court.

1. Plaintiffs’ motion for a preliminary injunction (ECF No. 4) will be **HELD IN ABEYANCE**.

2. When Defendant Benson finalizes the new guidance to local election officials concerning absentee ballots, Benson **MUST FILE** the new guidance statement in this action.

3. Counsel for Defendant Benson indicated that Defendant Benson intended to follow the relevant Michigan statutes concerning absentee ballots consistent with the latest ruling from the Michigan Court of Appeals, absent an order from the Michigan Supreme Court. Defendant Benson **MUST FILE** a statement to that effect in this action.

IT IS SO ORDERED.

Date: October 19, 2020

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge